

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:	:	Chapter 7
	:	
WILTON ARMETALE, INC., A/K/A	:	Case No. 16-16779-ref
WAPITA, INC.,	:	
Debtor.	:	
	:	
DAVID A. EISENBERG, as Chapter 7	:	
Trustee of WILTON ARMETALE, INC.	:	Adversary No. 17-372
a/k/a WAPITA, INC,	:	
Plaintiff,	:	
v.	:	
	:	
LEISAWITZ HELLER ABRAMOWITCH	:	
PHILLIPS, P.C. d/b/a THE LAW FIRM OF	:	
LEISAWITZ HELLER d/b/a LEISAWITZ	:	
HELLER, CHARLES J. PHILLIPS,	:	
ESQUIRE AND EDEN R. BUCHER,	:	
ESQUIRE,	:	
Defendants.	:	
	:	

JOINT RULE 26(f) REPORT

The parties, through their undersigned counsel, submit this joint report regarding the parties' discovery plan pursuant to Federal Rule of Civil Procedure 26(f) and this Court's January 20, 2019 order.

1. The parties held their discovery conference pursuant to Federal Rule of Civil Procedure 26(f) on February 6, 2019 by telephone. Elizabeth Bailey, Esquire of Saltz Mongeluzzi Barrett & Bendesky, P.C. participated on behalf of Plaintiff. Kathleen M. Carson, Esquire of Swartz Campbell LLC participate on behalf of the Defendants.

2. The parties discussed the subjects on which discovery may be necessary which included:

- Wilton Armetale's relationship with North Mill Capital LLC;
- the sale of Wilton's Mt. Joy real estate;

- appraisals obtained for Wilton's assets;
- the sale of Wilton's inventory;
- the value of Wilton's inventory at or around the time of its sale;
- the nature of any offers or bids received for Wilton's inventory, including the terms and conditions of the bids received;
- decisions to accept or reject any offer or bid for Wilton's inventory;
- the decision to sell and sale of Wilton's inventory to Gordon Brothers;
- Ivan Jeffery's Participation Agreement in connection with North Mill's loan to Wilton Armetale; and
- the nature and extent of claimed harm to Wilton Armetale due to conduct by defendants.

3. The parties discussed and developed a discovery plan and pre-trial schedule as set forth below, which differs from the schedule set forth in paragraph 5 of the Court's January 20, 2019 order:

Deadline for Motion to Amend Pleadings	June 14, 2019
Discovery Deadline	July 15, 2019
Plaintiff's Expert Disclosures	August 14, 2019
Defendant's Expert Disclosures	September 13, 2019
Rebuttal Expert Reports	September 30, 2019
Expert Depositions	October 21, 2019
Fed. R. Civ. P. 26(a)(3) Disclosures	November 8, 2019
Dispositive Motions	November 8, 2019
Objections to Fed. R. Civ. P. 26(a)(3) Disclosures	November 22, 2019
Joint Pre-trial Statement	December 20, 2019
Motions in Limine	December 20, 2019

4. The parties propose to move the date for motions to amend pleadings from same date on which dispositive motions are filed to a date approximately one month prior to the close of discovery.

5. The parties propose an additional approximately ninety days for discovery. The parties believe that the additional time proposed for discovery is necessary for the parties to complete discovery. The parties anticipate a period for written discovery in which the parties obtain relevant documents and interrogatory responses from each other relevant to the parties' claims and contentions. In addition, third party document discovery likely will be necessary from North Mill Capital, Vagabond House, Strategic Resources, Gordon Brothers and any other person or entity identified as a potential bidder for the assets of Wilton Armetale. The parties also anticipate taking the depositions of the depositions of at least the following individuals who have information relevant to the claims alleged in the complaint:

David Eisenberg, Chapter 7 Trustee for Wilton Armetale, Inc.
Eden Bucher, Esquire, Leisawitz Heller
Charles Phillips, Esquire, Leisawitz Heller
Ivan Jeffery – former shareholder, officer and director of Wilton Armetale
Ed Liebensperger – former officer of Wilton Armetale
Representatives of North Mill Capital
Representatives of Vagabond House
Representatives of Gordon Brothers
Representatives of other bidders for the assets of Wilton Armetale
Mike Yayac, Strategic Resources
Other representatives of Strategic Resources

The additional time for discovery which will enable the parties to complete their written discovery, obtain documents from third parties, complete the depositions proposed above, as well as the depositions of any other individuals with relevant information who are not yet known but may be identified through discovery. The other deadlines included in the Court's January 20, 2019 were reset to follow the proposed discovery deadline.

6. The deadlines for expert reports were also staggered so that plaintiff's expert reports were produced first and, thereafter, defense expert reports and then rebuttal reports, if any. The parties agree that, because this is a professional negligence claim, plaintiff's production of his expert

reports should precede the production of defense expert reports and that both parties should have a brief period for the production of rebuttal expert reports and expert depositions.

7. Plaintiff requests a two week extension to provide his initial disclosures. Defendants have advised plaintiff's counsel they do not object to the requested extension. Defendants have provided their initial disclosures.

8. The parties are not aware of any issues regarding disclosure, discovery of reservation of electronically stored information.

9. No changes should be made in limitations on discovery imposed under the rules except the number of interrogatories that a party may serve on another party is increased from twenty-five (25) to fifty (50).

Respectfully submitted,

/s/ Elizabeth A. Bailey

David L. Kwass, Esquire
Elizabeth A. Bailey, Esquire
Saltz Mongeluzzi Barrett & Bendesky, P.C.
52nd Fl.
1650 Market Street
Philadelphia, PA 19103
Attorneys for Plaintiff

/s/Kathleen M. Carson

Jeffrey B. McCarron, Esquire
Kathleen M. Carson, Esquire
Swartz Campbell LLC
28th Fl., Two Liberty Place
50 South 16th Street
Philadelphia, PA 19102
Attorneys for Defendants

Dated: February 20, 2019

CERTIFICATE OF SERVICE

Kathleen M. Carson certifies that she caused the foregoing Joint Rule 26(f) Report to be served on counsel listed below by email on February 20, 2019 and via the Court's ECF system.

David L. Kwass, Esquire
Elizabeth A. Bailey, Esquire
Saltz Mongeluzzi Barrett & Bendesky, P.C.
52nd Fl.
1650 Market Street
Philadelphia, PA 19103
dkwass@smbb.com
ebailey@smbb.com

/s/Kathleen M. Carson
Kathleen M. Carson